

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

CARRIE DEVAUL	)	Civil Action No: 3:23-cv-00690-ML
<i>Plaintiff,</i>	)	
	)	
vs.	)	Hon. Miroslav Lovric
	)	United States Magistrate Judge
	)	
MARTIN O'MALLEY <sup>1</sup> ,	)	
Commissioner of	)	
Social Security	)	
<i>Defendant.</i>	)	Stipulation – Document Filed Electronically

**Parties' Stipulation for Remand**

The parties stipulate that the Acting Commissioner's final decision be reversed and that this action be remanded to the Acting Commissioner for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

On remand, the Acting Commissioner will offer Plaintiff the opportunity for a hearing, take further action to complete the administrative record, and issue a new decision. The parties consent to the entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

Respectfully Submitted,

Martin O'Malley,  
Commissioner of  
Social Security,

By His Attorneys,

Carla B. Freedman,  
United States Attorney

Carrie DeVaul,

By Her Attorney,

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<sup>1</sup> Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

/s/ Geoffrey M. Peters

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IT IS SO ORDERED:



Miroslav Lovric  
U.S. Magistrate Judge

Dated: January 9, 2024  
Binghamton, NY

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<sup>2</sup> Signed with consent obtained by email by Special Assistant United States Attorney Geoffrey M. Peters, received on January 9, 2024.